IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.1064 OF 2005

Supreme Communications Limited
and Anr. .... Petitioners
Vs.
State of Maharashtra & Ors. .... Respondents

Shri Vaibhav Joglekar i/b M/s. S. Ashwinikumar & Co. for the Petitioners.

Shri B.H. Mehta, A.P.P., for the Respondent-State.

Sarvasri Abad Ponda with Vinod Kothari i/b M/s. M. K. Ambalal & Co. for the Respondent No.5.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: APRIL 13, 2005

P.C:

Heard. The learned A.P.P. has stated that the amount from the account of the petitioners which is required to be freezed for the purpose of investigation pursuant to the complaint in question filed is a sum of Rs.10,00,000/- (Rupees Ten Lakhs only). Being so, the petitioners are justified in contending that there could not have been freezing of the entire amount in the account of the petitioners with the respondent-Bank. The learned Advocate appearing for the respondent-Bank has also fairly conceded the same in view of the contention of the petitioners that only a sum of Rs.10,00,000/- was received from M/s. Suriyaa

International and credited to the said account. Considering the same, the respondent-Bank has to release the amount over and above the sum of Rs.10,00,000/-.

As regards the sum of Rs.10,00,000/-, it is not possible for this Court to adjudicate any issue in that regard sought to be raised by the petitioners and the petitioners in that regard will have to approach the concerned Magistrate in terms of the provisions of law comprised under the Code of Criminal Procedure as the said amount is stated to have been freezed in the course of the investigation by the investigating machinery. With these observations and accepting the statement on behalf of the respondent-Bank that the Bank is not interested in freezing the amount over and above Rs.10,00,000/-, the petition is disposed of. Needless to say that this Court has not expressed any opinion on the various contentions sought to be raised in the petition.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)